THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 3 of Act I of 1894.
3. Amendment of section 11 of Act I of 1894.
4. Amendment of section 12 of Act I of 1894.
5. Insertion of new section 12A in Act I of 1894.
6. Insertion of new section 15A in Act I of 1894.
7. Amendment of section 17 of Act I of 1894.
8. Amendment of section 18 of Act I of 1894.
9. Amendment of section 27 of Act I of 1894.
10. Amendment of section 35 of Act I of 1894.
11. Amendment of section 46 of Act I of 1894.

BOMBAY ACT No. XXXV OF 1953.[1]

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.]

[*6th June 1953*]

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

I of 1894. WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Land Acquisition (Bombay Amendment) Act, 1953.

I of 1894. **2.** In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act),— Amendment of section 3 of Act I of 1894.

(*1*) in clause (*d*), the following shall be added at the end, namely :—

" and shall, in relation to any proceedings under this Act, include the Court of a Civil Judge (Senior Division) to which the principal Civil Court may transfer any such proceedings;";

(*2*) in clause (*f*),—

(*1*) after the word "includes" the brackets and figure "(1)" shall be inserted;

(*2*) after the words "such provision" the following shall be inserted, namely :—

" and

(*2*) the acquisition of land for purposes of the development of areas from public revenues or some fund controlled or managed by a local authority and subsequent disposal thereof in whole or in part by lease, assignment or sale, with the object of securing further development;"

3. To section 11 of the said Act, the following proviso shall be added, namely :— Amendment of section 11 of Act I of 1894.

" Provided that no such award shall be made by the Collector without the previous approval of the State Government or such officer as the State Government may appoint in this behalf."

4. In section 12 of the said Act,— Amendment of section 12 of Act I of 1894.

(*1*) in sub-section (*1*), after the words " and shall, ", the words, figures and letter " subject to the provisions of section 15A and " shall be inserted;

(*2*) in sub-section (*2*), after the word " award ", where it occurs for the first time, the words, figures and letter " or the amendment thereof made under section 12A " shall be inserted; and after the word " award ", where it occurs for the second time, the words " or amendment " shall be inserted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 9.

Insertion of new section 12A in Act I of 1894.

5. After section 12 of the said Act, the following section shall be inserted, namely :—

Amendment of award.

" 12A. (*1*) Any clerical or arithmetical mistake in an award or errors arising therein from accidental slips or omission may, at any time not later than six months from the date of the award, be corrected by the Collector either on his own motion or on the application of a person interested and the award so corrected shall be deemed to have been amended accordingly.

(*2*) If the award so amended discloses any overpayment, the Collector shall, either immediately after the amendment of the award or after the expiry of the time allowed to make a reference to the Court from the amendment of the award, issue a notice to a person to whom overpayment was made that if the amount overpaid is not paid back to the State Government within one month after receipt of the notice, the amount overpaid shall be recovered as an arrear of land revenue and after the expiry of the time stated in the notice the amount shall be so recoverable."

Insertion of new section 15A in Act I of 1894.

6. After section 15 of the said Act, the following section shall be inserted, namely :—

Power of State Government to call for proceedings and pass orders thereon.

" 15A. The State Government may, at any time before an award is made by the Collector under section 11, call for and examine the record of any order passed by the Collector or of any inquiry or proceedings of the Collector, for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings. If, in any case, it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order thereon as it deems fit."

Amendment of section 17 of Act I of 1894.

7. In section 17 of the said Act, in sub-section (*2*), after the words " access to any such station ", the following words shall be inserted, namely :—

" or whenever owing to a like emergency or owing to breaches or other unforeseen events causing damage to roads, rivers, channels or tanks, it becomes necessary for the State Government to acquire the immediate possession of any land for the purpose of maintaining road communication or irrigation or water supply service, as the case may be, "

Amendment of section 18 of Act I of 1894.

8. In section 18 of the said Act, after the word " award ", where it occurs for the first time, the words " or the amendment thereof " shall be inserted ; and after the said word, wherever it occurs thereafter, the words " or the amendment " shall be inserted.

Amendment of section 27 of Act I of 1894.

9. In section 27 of the said Act, in sub-section (*2*), after the words " award of the Collector ", the words " or the amendment thereof " shall be inserted.

Amendment of section 35 of Act I of 1894.

10. In section 35 of the said Act,—

(*1*) after sub-section (*1*), the following sub-sections shall be inserted, namely :—

" (*1A*) Before issuing a direction under sub-section (*1*) the State Government may require the Collector to submit—

(*a*) a plan of the land which is needed for occupation and use ; and

(*b*) an estimate of the compensation that would be payable under sub-section (*2*) ;

and upon the issue of such a requisition the Collector shall cause public notice of the substance of the requisition to be given at convenient places in the locality in which the land is situated.

(*1B*) After the issue of such notice, it shall be lawful for any officer either generally or specially authorised by the Collector in this behalf, and for his servants and workmen to exercise the powers conferred by sub-section (*2*) of section 4.

(*1C*) The officer authorised under sub-section (*1B*) shall at the time of his entry pay or tender payment for all necessary damage to be done as aforesaid, and, in the case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector and such decision shall be final ; " ;

(*2*) in sub-section (*2*), for the words " The Collector shall thereupon " the words " Upon the issue of a direction under sub-section (*1*) the Collector shall " shall be substituted.

Amendment of section 46 of Act I of 1894.

11. In section 46 of the said Act, for the words and figure " or section 8 " the words and figures ", section 8 or section 35 " and for the words, figures and letter " section 3A or section 4 " the words, figures and letter " section 3A, section 4 or section 35 " shall be substituted.